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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,362	10/09/2003	Sidney Edward Fisher	60130-1911;01MRA0542	7815

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,362

Applicant(s)

FISHER, SIDNEY EDWARD

Examiner

Gary Estremsky

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>hereto</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 4 and 5 are objected to because of the following informalities:

Recitation of "any" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11-13, 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As regards claims 11-13, it is not clear if limitation "of "parallel" should be --co-planar-- to be more consistent with the disclosure.

The preamble of claim 20 defines the "latch bolt having a mouth" whereby later recitation of "the mouth of the latch" is confusing and renders the scope of the claim indefinite since "the mouth of the latch" does not have clear antecedent basis in the claim. 'As best understood', the "surfaces" engage the "latch" not the "latch bolt".

Clarification (and/or correction) is required as part of a complete Response.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 11-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,069,491 to Weinerman.

Weinerman '491 teaches Applicant's claim limitations including : a "latch including a mouth" – the entrance or *leading* portion of the housing, "and a latch bolt" - 900 (as shown in Fig 16 for example), a "first wedge arrangement having a first abutment surface and a second abutment surface" - the housing where its angled sides designed to contact 1032,1034, a "striker including a striker bar" - 1000, a "second wedge arrangement having a third abutment surface and a fourth abutment surface" - 1032,1034 where examiner notes that arrangement prevents movement (between latch and striker) in a plane parallel to the plane of the latch bolt (604).

As regards claim 2, the inwardly directed walls of the striker surface inherently function as a "guide arrangement" for the latch where one of ordinary skill in the art would recognize that a slightly misaligned latch entering the striker's opening will inherently hit one or the other wall first and be deflected towards the other wall and inwards to the aligned, latched position. Applicant's limitation has not defined any specific structure that might be relied upon to patentably distinguish from the well known structure of the prior art that inherently performs the function relied upon to define the

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"guide arrangement". The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

As regards claim 3, facing portions of 902,904 and 1022,1024 anticipate limitation.

As regards claim 5, limitation of "proximate" may be interpreted broad, as is reasonable with respect to its plain meaning. Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974).

As regards claims 11 and 18, the upper surface of one flange portion 902,904 reads on "first region" and the other on "second region" where the distance between 902,904 them reads on "latch spacing" limitation.

As regards claims 12, 13, and 19, the upper surface of one wedge portions 1022,1024 reads on "third region" and the other on "fourth region" where the distance between 902,904 reads on "striker spacing" limitation.

As regards claim 20, inwardly facing surfaces of 1004,1006 teach "first" and "second planar surface" limitations, particularly as described at col 21, beginning line 39 for example.

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6. Claims 1-7, 9-11, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,064,229 to Hamada

Hamada '229 teaches Applicant's claim limitations including : a "latch including a mouth" – the entrance or *leading* portion of the housing, " and a latch bolt" - assembly '1' as shown in Fig 1, a "first wedge arrangement having a first abutment surface and a second abutment surface" - including 66,70 as shown on the face of the Patent, a "striker" - 61, "including a striker bar" - 11, a "second wedge arrangement having a third abutment surface and a fourth abutment surface" - the upper and lower surfaces of 61.

As regards claim 2, the "abutment surfaces" of the reference are arranged in a dovetail or wedge geometry to guide the striker and latch into relative alignment during closing.

As regards claim 3, the leading (closest to mouth of latch housing) surfaces of 65,69 are shown to be "parallel".

As regards claim 4, the upper and lower surfaces of 61 appear to be "substantially planar".

As regards claim 6, parts 21,22 read on "first" and "second arm" limitations.

As regards claim 8, inasmuch as the striker shown on the face of the Patent is inherently capable of extending further into the latch, upper and lower surfaces of 22 anticipate limitation.

As regards claim 9, the arrangement of 61 on part 60 as shown in fig 5 anticipates "integral" limitation inasmuch it has been held that the term "integral" is

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sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

7. Claims 1-9, 11, 14-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,165,112 to Kleefeldt.

Kleefeldt '112 teaches Applicant's claim limitations including : a "latch including a mouth" – the entrance or *leading* portion of the housing, " and a latch bolt" -, a "first wedge arrangement having a first abutment surface and a second abutment surface" - including 8,8 as shown in fig 4, a "striker" - as shown in Fig 5, "including a striker bar" - 11, a "second wedge arrangement having a third abutment surface and a fourth abutment surface" - the upper and lower surfaces of 12.

As regards claim 6, part 12 reads on one "Arm" and the corresponding portion closest to 4 on the other side of the opening from 12 reads on the other "arm".

As regards claim 11, left/right edge portions of opposite parts 8,8 are "parallel" with each other.

Allowable Subject Matter

8. In order to expedite prosecution as much as possible, it is suggested that claims not rejected under prior art be combined along with limitations of the claims from which they depend. This should not be considered as an indication of allowable subject matter inasmuch as a claim having such scope has not been presented or considered for examination.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

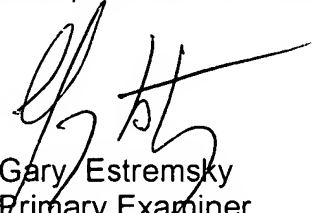
U.S. Pat. No. 3,848,911 to Watermann.

U.S. Pat. No. 5,295,720 to Budde.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
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